

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cryotech International, Inc., a Delaware corporation, fka VBS Industries Incorporated

CASE NO. C 08 02921 HRL

Plaintiff(s),

v.

Technifab Products, Inc., an Indiana corporation; and Does 1-50, inclusive

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) Mediation

Provider to be determined upon mutual agreement by the parties.

The parties agree to hold the ADR session by:

the presumptive deadline (The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)

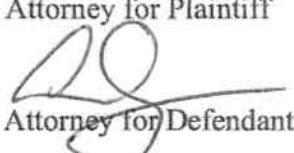
other requested deadline at close of fact discovery per case management statement/order

Dated: September 9, 2008



Attorney for Plaintiff

Dated: 9/8/08



Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration
Early Neutral Evaluation (ENE)
Mediation
 Private ADR

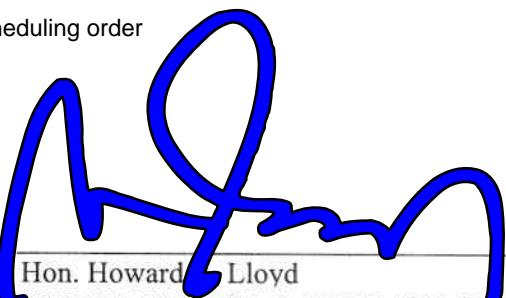
Deadline for ADR session

90 days from the date of this order.

other will be set by the court in CMC scheduling order

IT IS SO ORDERED.

Dated: September 10, 2008


Hon. Howard Lloyd
UNITED STATES MAGISTRATE JUDGE